

Remarks:

In reply to the Final Office Action of October 20, 2008 ("Office Action"), claims 26 – 38 are pending, and claims 26, 28, and 33 – 38 are amended. No new subject matter is added. Applicant is grateful to the Examiner for allowing the subject matter of claims 36 and 37. Accordingly, the allowable subject matter of claim 36, along with claim 35 from which claim 36 was dependent thereon, has been incorporated into claim 26. In regard to the amended claims 26 and 35, the recitation of "a filter" was not added to claim 26 and remains in claim 35. In regard to the amended claims 26 and 36, the recitation of "the pressurized hydraulic fluid to be applied to the power producing assembly is a smooth continuous jet flow supplied through at least one nozzle" was removed from claim 26 and added to claim 36.

§112 Rejections

In the Office Action, claims 28, 29, 33 and 34 were rejected under 35 U.S.C. §112 (second paragraph) as being indefinite. Applicant has amended the respective claims, and respectfully requests withdrawal of these rejections.

§103 Rejections

In the Office Action, claims 26 – 35 and 38 were rejected under 35 U.S.C. §103 as being unpatentable over Cros (US Patent 4,149,092) in view of Hopfe (US Patent 4,335,576). In light of currently amended claim 26, which includes the allowable subject matter of claim 36, reconsideration and withdrawal of these rejections are requested.

Conclusion:

With the forgoing new claims, the present application is believed to be placed in condition for allowance. The subscribing attorney would welcome a phone conference to attend to any matter that can be addressed by an Examiner's Amendment.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "M. Daniel Spillman".

M. Daniel Spillman
Reg. No. 61,842

BRINKS HOFER GILSON & LIONE

CUSTOMER NO. 27879

Telephone: (317) 636-0886

Fax: (317) 634-6701

MDS/srg